THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 22484 of 2007

Date:12-11-2007

Between:

Kodela Ilaiah and three others

…Petitioners

AND

The District Collector, Sangareddy at Medak and three others

..

Respondents

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ORDER:

The petitioners seek a writ of mandamus declaring the Memo No.B/2611/98, dated 09.10.2007 issued by the 3rd respondent in respect of the land in Sy.No.273, an extent of Ac.8.11 guntas of land situated at Arepally village hamlet of Velikatta village, Kondapak mandal, Medak District, as illegal and arbitrary.

The case of the petitioners is that the previous writ petition filed by them in W.P.No.10564 of 2007 seeking a writ of mandamus declaring the action of the respondents in interfering with the possession and contemplating to dispossess them from the land in respect of Sy.No.273 an extent of Ac.8.11 guntas of Arepally, H/o Velikatta, Kondapak mandal, Medak District without due process of law, as illegal and arbitrary and to direct the respondents to regularize the simple sale deed, dated 07.01.1970 under Section 5-A of the A.P. Rights in Land and Pattadar Pass Books Act, 1971. It is stated that the said writ petition was dismissed only on the ground that the Tahsildar, Kondapak filed a counter in the said writ petition stating that the land in Sy.No.273 situated at Arepally village, hamlet of Velikatta of Kondapak mandal admeasuring Ac.08.11 guntas was surrendered by the landlord and they are the ceiling surplus lands and the said lands were assigned in the year 1997 in favour of various persons and they are in possession of the same and therefore, the claim of the petitioners is not tenable. It is the case of the petitioners that having filed the counter stating that the said land was assigned to various persons in the year 1997 and after dismissal of the said writ petition giving a memo to take over the possession of the same to the government custody, is

obviously an incorrect statement made in the earlier counter and therefore, it cannot be said that the petitioners have not in possession of the said land. Accordingly, the petitioners seek to set aside the said impugned memo, dated 09.10.2007.

The undisputed facts are that the petitioners filed the said W.P.No.10564 of 2007 questioning the action of the respondents in dispossessing the petitioners from the said land and seeking regularization of simple sale deed, 07.01.1970. This Court considered the rival contentions with regard to the possession and held that the said land was declared by the landlord-Venkata Krishna Reddy, the alleged vendor of the petitioners and the said laid was not claimed to have been sold to the petitioners and the contention of the petitioners that the land was uncultivable land and they developed the same, they claimed the land admeasuring Ac.5.96 guntas in various other survey numbers and they claimed only an extent of Ac.0.23 guntas in Sy.No.273 as pot-kharab and Sy.No.273 was shown in the surrender list of land and therefore, the proceedings of the Land Reforms Tribunal carry a presumption that they were taken out in the ordinary course of official business and the claim of the petitioners based on the third party affidavits may be disbelieved and accordingly, the said writ petition was dismissed.

The learned Government Pleader appearing for the respondents also produced the records stating that after the surrender of the said lands in Sy.No.273 including various other survey numbers, the Mandal Revenue Officer, Kondapak issued proceedings No.B/2611/95, dated 10.01.1997 and the total land of Ac.71.32 guntas was assigned in favour of 52 beneficiaries and therefore, it cannot be said that the said statement made by Tahsildar is incorrect.

As the petitioners have not acquired any legal right or title over

the said land and the relief claimed by them in the earlier W.P.No.10564 of 2007 was rejected by this Court by order, dated 25.07.2007, I am of the opinion that the petitioners are not entitled for any relief in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J.

Date:12.11.2007
ccm